

# Exhibit G



NATIONAL FOOTBALL LEAGUE

September 10, 2009

BY EMAIL: [jseurer@schleckpa.com](mailto:jseurer@schleckpa.com)  
BY FED EX

Justin L. Seurer, Esq.  
Scheck I Associates PA  
505 Highway 169 N  
Suite 260  
Minneapolis, MN 55441  
763-404-8800

Re: Ed Reichow and Titlecraft Corporation

Dear Mr. Seurer:

We write in response to your letter of September 1, 2009 regarding your client's replica Vince Lombardi Trophy products.

As we explained in our earlier letter, the replica trophies your client manufactures are confusingly similar to the famous, and federally-registered Vince Lombardi Trophy Design, which itself is one of the most famous and instantly-recognizable marks in the world. A copy of the trademark registration is enclosed. Your letter admits that your client's design "may mimic" the Vince Lombardi Trophy Design, but contends that the public nevertheless is not likely to be confused because your client's products are "an amusing wooden parody."

We disagree. As an initial matter, it is black letter law that a parody must somehow comment on the mark that is the subject of the parody. *Dr. Seuss Enterprises, L.P. v. Penguin Books USA, Inc.*, 109 F.3d 1394 (9<sup>th</sup> Cir. 1997). Your client's products make no comment on the Vince Lombardi Trophy Design. It is used for the exact same purpose as the original: to signal a champion of a football season. Where, as here, the junior user's mark "makes no comment" on the senior user's mark, but instead "uses it somewhat humorously to promote his own products and services," parody is not a defense. *Harley-Davidson, Inc. v. Grottanelli*, 164 F.3d 806 (2d Cir. 1999).

Moreover, parody is no defense when a junior user uses a confusingly similar designation. *Schieffelin & Co. v. Jack & Co.*, 725 F. Supp. 1314 (S.D.N.Y. 1989), is instructive. There, the defendant adopted the distinctive bottle shape and labeling of Dom Perignon champagne as packaging for its "Dom Popignon" popcorn. The court rejected the parody defense because the defendant's product was "not so outlandish as to distinguish itself from plaintiff's champagne." *Id.* As a result, the court held that the claimed parodic use was insufficient to dispel likely consumer confusion.

Your client's replica trophies, which augment the association with the NFL by including prominent roman numerals on the football portion of the trophy, are even more likely to

cause confusion than the popcorn bottles in *Schieffelin*, which at least distinguished themselves by selecting a slightly altered version of the champagne's name. Your client's replica trophies bear no such potentially distinguishing features.

Accordingly, for the reasons set forth above as well as in our previous correspondence, your client's conduct constitutes, among other things, trademark infringement and dilution, in violation of the Lanham Act and related state statutes and common law.

We therefore reiterate our demand that your client cease the manufacture of Vince Lombardi Trophy replicas and provide us with a full accounting of all sales of any replica trophies, with records regarding the same. Please confirm compliance with the above demand in writing no later than September 17, 2009.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey D. Parnass". The signature is fluid and cursive, with the first name "Jeffrey" and last name "Parnass" clearly distinguishable.

Jeffrey D. Parnass  
Counsel

Tel: (212) 450-2648  
Fax: (212) 328-9580  
E-Mail: jeffreyparnass@nfl.com

Int. Cl.: 41

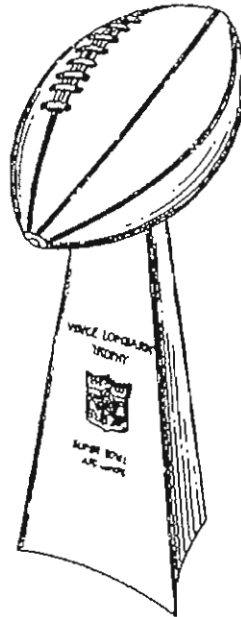
Prior U.S. Cl.: 107

United States Patent and Trademark Office

Reg. No. 1,226,261

Registered Feb. 1, 1983

SERVICE MARK  
Principal Register



National Football League (New York association)  
410 Park Ave.  
New York, N.Y. 10022

For: PROMOTING INTEREST, EXCELLENCE AND SPORTSMANSHIP IN PROFESSIONAL FOOTBALL THROUGH THE MEDIUM OF AN ANNUAL AWARD, in CLASS 41 (U.S. Cl. 107).

First use May 7, 1974; in commerce May 7, 1974.  
Owner of U.S. Reg. Nos. 882,053, 1,092,963 and

others.

No claim is made to the exclusive right to use "Trophy" and "Bowl", apart from the mark as shown.

The lining in the drawing is for shading purposes.

"Vince Lombardi" identifies a famous football coach who is now deceased.

Sec. 2(f) as to trophy design only.

Ser. No. 356,536, filed Mar. 25, 1982.

JAMES GROSSMAN, Examining Attorney